

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

HOLLIS J. LARSON,

Civil No. 13-1074 (JRT/DJF)

Plaintiff,

v.

THE MINNESOTA SEX OFFENDER
PROGRAM et al.,

**MEMORANDUM OPINION AND ORDER
GRANTING PLAINTIFF’S APPLICATION TO
PROCEED IN FORMA PAUPERIS ON
APPEAL**

Defendants.

Hollis J. Larson, MSOP, 1111 Highway 73, Moose Lake, MN 55767, *pro se* Plaintiff.

Benjamin C. Johnson, **MINNESOTA ATTORNEY GENERAL’S OFFICE**, 445 Minnesota Street, Suite 1400, St. Paul, MN 55401, for Defendants.

Plaintiff Hollis J. Larson is civilly committed under the Minnesota Sex Offender Program (“MSOP”). Larson brings this action pursuant to 42 U.S.C. § 1983 against the MSOP and its staff for various forms of maltreatment at the facility. (*See* Am. Compl. at 3, 43–47, Nov. 10, 2022, Docket No. 30.) After the Court granted Larson’s application to proceed in forma pauperis (“IFP”), Magistrate Judge Dulce J. Foster issued a Report and Recommendation (“R&R”) recommending MSOP’s motion to dismiss be granted and the action be dismissed with prejudice. (R. & R. at 31, Aug. 3, 2023, Docket No. 117.) The Court adopted the R&R and dismissed Larson’s Amended Complaint with prejudice. (Order Adopting R. & R. at 21, Feb. 6, 2024, Docket No. 123.) Larson has appealed the

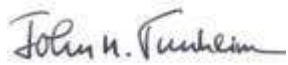
Court's decision to the Eighth Circuit and now seeks to proceed IFP on appeal. (Mot. for Leave to Appeal IFP, Feb. 16, 2024, Docket No. 125.)

A party that seeks to proceed IFP on appeal must file a motion in district court. Fed. R. App. P. 24(a)(1). The "prior approval" clause allows a party that was permitted to proceed IFP in the district court action to proceed IFP on appeal without further authorization. Fed. R. App. P. 24(a)(3). Because Larson was permitted to proceed IFP in the district court action, he does not need further approval to proceed IFP unless the Court determines his "appeal is not taken in good faith." Fed. R. App. P. 24(a)(3)(A). Because Larson's appeal is taken in good faith, Larson may proceed IFP on appeal, and his application will be granted.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to Appeal In Forma Pauperis [Docket No. 125] is **GRANTED**.

DATED: March 25, 2024
at Minneapolis, Minnesota.


JOHN R. TUNHEIM
United States District Judge